

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

C.A. NO. 04-CV-11193-NG

SEAN DRUMGOLD,)
)
Plaintiff)
)
vs.)
)
CITY OF BOSTON, ET AL.,)
)
Defendants)
)

DEFENDANT TIMOTHY CALLAHAN'S PROPOSED SCHEDULING ORDER

Defendant Callahan proposes the following scheduling order:

A. Motions for Bifurcation

Defendant Callahan submits that his rights to a fair trial would be violated if the individual claims and the municipal claims alleged in plaintiff's complaint to be tried together to the same jury. Therefore, Callahan intends to file a motion for bifurcation on both discovery and liability in this case. Callahan proposes that motions for bifurcation be filed with the Court by **July 22, 2005** and any opposition thereto by plaintiff by **August 12, 2005**.

B. Anticipated Discovery Disputes

Defendant Callahan identifies the following issues as potentially raising issues during the discovery phase of this case:

1. Depositions from witnesses in federal protection or federal custody;
2. Discovery of materials currently under seal per request of the United States Attorney;

3. Discovery of information gathered by a Boston Globe reporter covering plaintiff's requests for new trial;

4. Discovery of materials in the possession of the Suffolk County District Attorney's Office.

C. Proposed Discovery Schedule

If the case is bifurcated such that discovery and trial of the individual defendants occurs before the discovery and trial of the municipal defendant, Callahan proposes the following schedule:

1. Initial disclosures pursuant to Fed.R.Civ.P. 23(A) to be made on or about **September 30, 2005**

2. Motions to dismiss filed on or about **November 4, 2005**

3. Expert disclosures made on or about **March 3, 2006**

4. Discovery completed on or about **June 30, 2005**

5. Motions for summary judgment made on or about **August 4, 2006**

6. Final Pretrial Conference to be held on or about **September 8, 2006**

Should the Court decline to order the bifurcation of this case, Callahan proposes the following schedule:

1. Initial disclosures to be made on or about **September 30, 2005**

2. Motions to dismiss to be filed on or about **November 15, 2005**

3. Expert disclosures to be made on or about **September 1, 2006**

4. Discovery completed on or about **March 31, 2007**

5. Motions for summary judgment made on or about **May 31, 2007**

6. Final Pretrial Conference on or about **July 1, 2007**

Respectfully submitted,

Defendant Timothy Callahan
By his attorney,

____/s/ Mary Jo Harris_____
Mary Jo Harris, BBO # 561484
Morgan, Brown & Joy, LLP
200 State Street
Boston, MA 02109-2605
(617) 523-6666

Dated: July 1, 2005

CERTIFICATE OF SERVICE

I, Mary Jo Harris, hereby certify that on this 1st day of July 2005, I have served a copy of the foregoing DEFENDANT TIMOTHY CALLAHAN'S PROPOSED DISCOVERY SCHEDULE on the following counsel of record:

Rosemary C. Scappicchio
Four Longfellow Place, Ste 3703
Boston, MA 02114

Michael W. Reilly
Tommasino & Tommasino
Two Center Plaza, Ste. 800
Boston, MA 02108

John P. Roache
Hogan, Roache & Malone
66 Long Wharf
Boston, MA 02110

Hugh R. Curran
Bonner, Kiernan, Treback & Crociata
One Liberty Square
Boston, MA 02109

Donald R. Faymen
640 Main Street
Malden, MA 02148

Susan M. Weise
City of Boston Law Department
City Hall
Boston, MA 02201

____/s/ Mary Jo Harris _____
Mary Jo Harris, BBO # 561484